

LET THE LIAR REAP THE WHIRLWIND OF HIS OWN SEDITION

Libel Law of New Mexico is That of Texas and Its Spirit Prevails in All States of the Union---Ignorance Alone Its Adverse Critic---Let the Runner Read.

Following is the text of the libel law enacted by the Twenty-eighth Legislative Assembly January, 1889, passed over the Governor's veto January 30th, 1889, repealed by the Thirtieth Legislative Assembly during the 1893 session and re-enacted by the Thirty-sixth Legislative Assembly Thursday last. The New Mexican gives the law in full in order to show how senseless and ridiculous is the howl of the Albuquerque Journal, the Albuquerque Citizen and a few Democratic papers and how dense is the ignorance of these sheets upon its provisions. It is safe to say that the editors who have been writing against the measure have never read it, and are utterly without an intelligent conception of its contents. The bill is based upon the libel law now in force in the great state of Texas, a Democratic bulwark, and a state which claims to be jealous and carefully guard or attempt to guard the rights and privileges of its citizens. Here is the bill in full:

An Act to define the offence of libel and affix the punishments therefor.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That any person who, with intent to injure, makes, writes, prints, publishes, sells or circulates, any malicious statement effecting the reputation of another in respect to any matter or thing pointed out in this act, shall be deemed guilty of libel.

Sec. 2. If any person be guilty of libel, he shall be punished by fine not less than one hundred nor more than two thousand dollars, or by imprisonment in the territorial penitentiary not more than two years, or by both such fine and imprisonment in the discretion of the court trying the cause.

Sec. 3. If any person with intent to injure the reputation of another, shall without lawful authority, make, publish or circulate a writing purporting to be the act of some other person, and which comes within the definition of libel as given in this act, he shall be punished in the same manner as if the act purported to be his own; and the rules with respect to libel apply also to the making and circulation of such false writing.

Sec. 4. He is the maker of libel who originally contrived and either executed it himself by writing, printing, engraving, painted or dictated or caused or procured it to be done by others.

Sec. 5. He is the publisher of libel who, either by his own will or by the persuasion or dictation, or at the solicitation or employment of hire of another, executes the same in any of the modes pointed out as constituting a libel, but if any one by force or threats is compelled to execute such libel he is guilty of no offence.

Sec. 6. He is guilty of circulating a libel who, knowing its contents either sells, distributes or gives, or who, with malicious design, reads or exhibits it to others.

Sec. 7. The written, printed or published statement to come within the definition of libel, must convey the idea, either:

1. That the person to whom it refers has been guilty of some penal offence; or

2. That he has been guilty of some act or omission which, though not a penal offence, is disgraceful to him as a member of society, and the natural consequence of which is to bring him into contempt among honorable persons; or

3. That he has some moral vice, or physical defect or disease, which renders him unfit for intercourse with respectable society, and as such should cause him to be generally avoided; or

4. That he is notoriously of bad or infamous character; or

5. That any person in office or a candidate therefor, is dishonest, and therefore unworthy of such office, or that while in office he has been guilty of some malfeasance rendering him unworthy of the place.

Sec. 8. A libel may be either written, printed, engraved, etched or painted, but no defamation comes within the meaning of a painting, engraving or caricature unless it must clearly appear therefrom that the person said to be defamed, was in fact, intended to be represented by such painting, engraving or caricature.

Sec. 9. In order to render any manuscript a libel it must be circulated or

posted up in some public place; provided, that type written matter shall be considered manuscript within the meaning of this act.

Sec. 10. If the libel be in printed form and issues or is sold in any office or shop where a public newspaper is conducted, or where books or other printed works are sold or printed, the editor, publisher and proprietor of such newspaper, or any one of them, or the owner of such shop, is to be deemed guilty of making or circulating such libel until the contrary is made on the trial to appear.

Sec. 11. No person shall be convicted of libel merely on evidence that he has made a manuscript copy of a libel, or has performed the manual labor of printing it, unless it be shown that such person was actuated by a malicious design against the person defamed. But the person for whose account or by whose order it was printed or copied shall be presumed to have known the intent of the publication and shall be liable for the offence.

Sec. 12. It shall be sufficient to constitute the offence of libel if the natural consequences of the publication of the same is to injure the person defamed, although no actual injury to his reputation has been sustained.

Sec. 13. The intent to injure is to be presumed if such would be the natural consequence of the libel, though no actual proof be made that the defendant had such design; and in all trials of libel the court shall be the judge from the facts proven relative to the malicious design of the defendant as to what penalty ought to be imposed under the restrictions herein prescribed.

Sec. 14. It is no offence to make true statements of fact, or express opinions as to the qualifications of a candidate for any office or public place or appointment.

Sec. 15. It is no offence to publish true statements of fact as to the qualifications of any person for any occupation, profession or trade.

Sec. 16. It is no offence to publish any criticisms or examinations of any work of literature, science or art, or any opinion as to the qualifications or merits of the author of such works.

Sec. 17. To constitute libel there must be some injury intended to the reputations of persons living or dead, and no publication as to the government or any of the branches thereof, as such is an offence under the name of seditious writing or any other name.

Sec. 18. It is no libel to make publication respecting the merits or doctrines of any particular religion, system of morals or politics, or of any particular form of government.

Sec. 19. It is no libel to publish any statement respecting any legislative or judicial proceeding, whether the statement be in fact true or not, unless in such statement a charge of corruption is made against some person acting in legislative or judicial capacity.

Sec. 20. The word malicious is used to signify an act done with evil or mischievous design and it is not necessary to prove any special facts showing ill feeling on the part of the person who is concerned in making, printing, publishing or circulating a libelous statement against the person injured thereby.

Sec. 21. No statement made in the course of a legislative or judicial proceeding, whether true or false, although made with intent to injure and for malicious purposes, comes within the definition of libel.

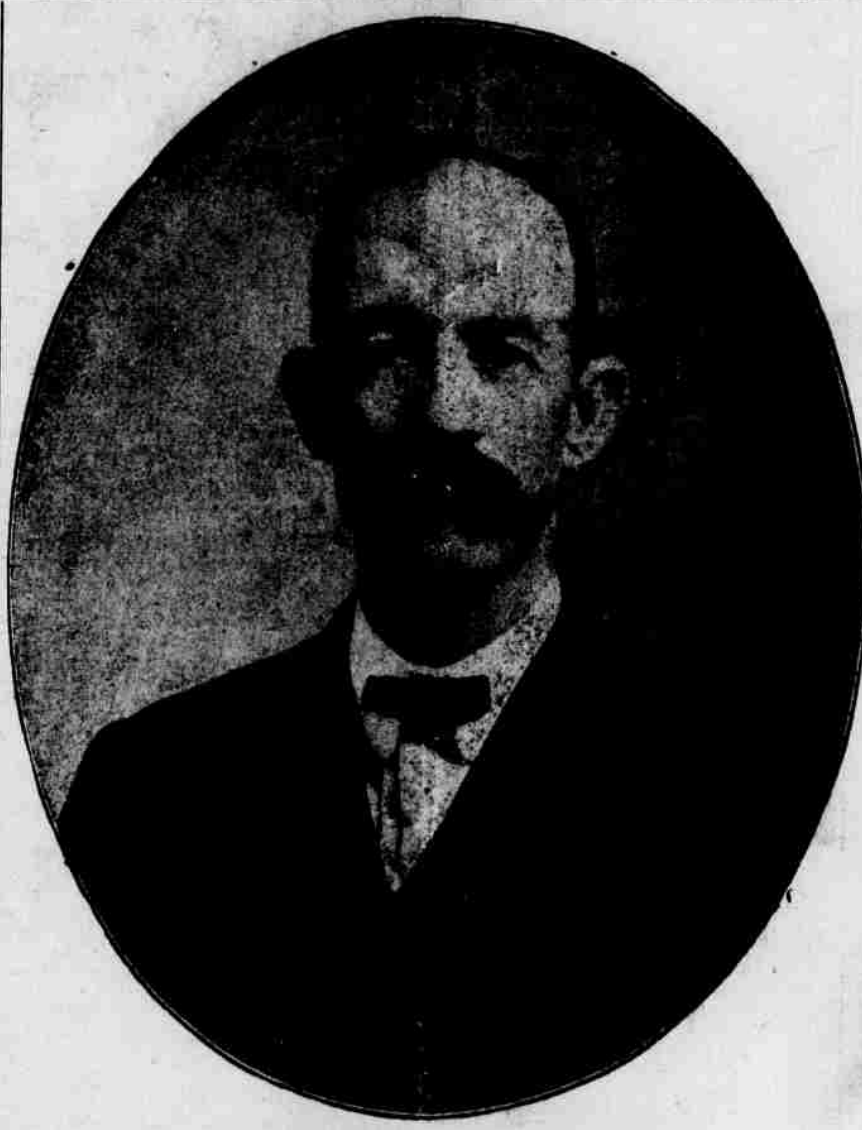
Sec. 22. In the following cases, the truth of any statement charged as libel may be shown in justification of the defendant:

1. Where the publication purports to be an investigation of the official conduct of officers or men in a public capacity.

2. Where it is stated in the libel that a person has been guilty of some penal offence, and the time, place and nature of the offence is specified in the publication.

3. Where it is stated in the libel that a person is of a notoriously bad or infamous character.

4. Where the publication charges any person in office or a candidate therefor, with a want of honesty, or having been guilty of some malfeasance in office, rendering him unworthy of the place. In other cases the truth of the facts stated in the libel



CHARLES L. BALLARD.
Councilman for the Ninth District.

CHARLES L. BALLARD THE TYPE OF MAN WHO DOES THINGS

Hon. Charles L. Ballard, member of the Council from the Ninth District, is in the full vigor of young manhood, having been born in Hayes County, Texas, on the 11th day of February, 1866. While he was still a boy his parents, Allen J. and Katherine Ballard, moved with their family from Texas to Fort Sumner, New Mexico, and this Territory has been his home for almost twenty-seven years. He has resided in Lincoln County and in what is now Chaves County since 1880.

In his boyhood and youth Mr. Ballard attended the public schools and also an excellent school at Anton Chico; and there was laid the foundation for that broad and practical knowledge of affairs which the man with mind ever active and alert derives from actual contact with the world in business and social relations. Ever since he was old enough to engage in business for himself Mr. Ballard has been interested in the cattle industry. For a number of years he had charge of the late Captain Joseph C. Lee's cattle. He has achieved success in his business enterprises and is now president of the Ballard Land and Cattle Company, whose range is near Roswell.

Mr. Ballard is a man of family. His wife was Miss Mintie Corn. They were married in Roswell on the 17th day of February, 1888, when young Ballard was twenty-two years old, and they now have six children—three boys and three girls—a fact which would doubtless prove a strong recommendation to his friend, President Roosevelt. For so young a man the subject of this sketch has had a wide and varied experience. Eight or ten years ago he was city marshal of Roswell. During a long period he served as a deputy sheriff in times when it required a man of nerve and courage to discharge the duties of that office. He has been a cattle inspector for several years and during the past two years he has been a member of the Territorial Cattle Sanitary Board. In every one of these offices he has been faithful, energetic and attentive to business, and has met with the merited approval of that class of citizens whose regard is worth having.

Mr. Ballard has not only served his country well in civil capacities, but

when the call was made for volunteers to enlist for the war with Spain, he was found ready to offer his life, if need be, in defense of the honor of his country and for the relief of the oppressed and persecuted Cubans who had long been ground under the iron heel of Spanish tyranny. He served as a Lieutenant of the First Volunteer Cavalry (Rough Riders) and there became acquainted with Colonel, now President Roosevelt. After he was mustered out of that service he was appointed lieutenant in the Eleventh Cavalry Volunteers and sent to the Philippines, where he remained more than one year.

Mr. Ballard is a Democrat in politics. When the Democrats of his district were looking around for the right kind of a man to name as their candidate for the Council in the Thirty-sixth Legislative Assembly, Charles Ballard loomed up large on the political horizon, because he was a popular man and because his past record deserved recognition by his party. Hence he was nominated and entered the contest, if such it could properly be called. For, although Judge Fall, the Republican Councilman from that district in the Thirty-fifth Legislative Assembly, had been elected by a fair majority, which had to be overcome, when the ballots were counted after the recent election they disclosed the fact that Mr. Ballard had won by a majority of about thirteen hundred votes, being the largest majority ever received by a candidate for that office in the Ninth District—larger even than the majorities the Democrats used to get a few years ago when that district was almost solidly Democratic.

While Mr. Ballard is a Democrat, as we have said, he realizes that Republican votes helped to elect him, and in his career as a legislator he will exhibit those excellent qualities of common sense and sound judgment which have characterized his past record, and will vote and work for only such measures as in his opinion will tend to further the best interests of the entire people whom he represents, regardless of party affiliations.

Mr. Ballard enjoys the distinction of being the only Democrat in the present Council.

cannot be inquired into.

Sec. 23. In all cases of libel, the jury shall be the judges of the facts under the direction of the court, and of the intent with which a libel may have been published or circulated, subject to the rules prescribed in this act, and in rendering their verdict, they are to be governed by a consideration of the nature of the charge contained in the libel, the general reputation of the person said to be defamed, and the degree of malice exhibited by the defendant in the commission of the offence.

Sec. 24. This act shall regulate the law with regard to libel when prosecuted as a penal offence, and shall have no operation upon the subject so far as relates to civil remedies for the recovery of damages.

Sec. 25. All acts and parts of acts in conflict with this act are hereby re-

pealed and this act shall be in force from and after its passage.

Passed over veto, January 30, 1889.

HOT TIMES AT TIFLIS.
Tiflis, Trans-Caucasia, Feb. 18.—A district official named Gnoutoff has been assassinated at Igdy by the Armenians. The motive for the crime was political. At Vagharshap, Trans-Caucasia, the mayor has been shot and killed near his residence.

TRAINS ARE BLOCKED.
Corry, Pa., Feb. 18.—A great storm last night and today has effectually blocked all through trains on the railroad.

NOTHING DOING IN STATEHOOD.
Washington, Feb. 18.—By unanimous consent the statehood controversy went over until Monday.

DEATH IN THE AIR AND A TOTTERING NATION STUNNED

None Can Tell Where Next in Russia the Assassin's Blow May Fall---Grand Duke's Fate Again Presses to Czar's Lips the Bitter Cup of His People's Hatred.

St. Petersburg, Feb. 18.—An oppression like the shadow of doom hangs over the Russian capital. Bells are tolling and the people in the streets are awe-stricken at yesterday's bloody crime. Every one seems to shrink before the contemplation of what may happen next. The tragedy struck deep into the hearts of the perplexed and tired Emperor and many who were unsparing in their criticism yesterday today only express sympathy for his unhappy lot. The bitter cup which during the last year has been pressed again and again to his lips is once more filled to the brim. There is death in the air and no one knows on whose head the next blow may descend.

Bells of Five Hundred Churches.

Moscow, Feb. 18.—The bells of Moscow's five hundred churches are tolling today. Requiem masses are being celebrated and before many shrines the priests are ceaselessly chanting prayers for the repose of the soul of the murdered Grand Duke Sergius. The crime, while not anticipated, has nevertheless created a profound impression in the ancient capital. All the shops are closed and the newspapers appeared with mourning borders.

Peace the Sweet Fruit of Tragedy.

St. Petersburg, Feb. 18.—In diplomatic circles the opinion is quite generally expressed that yesterday's tragedy may be followed by a decision of the government to conclude peace. For some time, despite the official attitude maintained by the government, there has been a growing apprehension of the difficulties of prosecuting the war in the midst of the increasing complications at home and, as announced by the Associated Press, the matter was actually the subject of formal consideration by the Emperor and

his ministers February 16.

Too Late for Talk.
St. Petersburg, Feb. 18.—An extraordinary sitting of the Council of the empire has been summoned to consider the situation resulting from the assassination of Grand Duke Sergius.

May Bear the Olive Branch.

St. Petersburg, Feb. 18.—Prince Friedrich Leopold of Prussia who has been visiting the Emperor, (previous, according to advices from Berlin, going to Manchuria as an observer of the war) started for Berlin at midnight. It was announced in Berlin yesterday that he was returning in order to go to Manchuria by steamer as the railroads are congested. A dispatch from St. Petersburg this morning intimates that the Prince's visit was as a bearer of personal representations from Emperor William on the subject of peace and that this matter was discussed between the Prince and the Emperor, but it is not known what, if any, conclusion was reached.

No Terms Proposed.

Tokio, Feb. 18.—The foreign office pronounces as unfounded the St. Petersburg report that the Japanese have semi-officially informed Russia of terms of peace they would be willing to accept.

May Make Russia Inhabitable.

Moscow, Feb. 18.—The telegraph operators of the Moscow-Russian railroad have struck, demanding a minimum wage of \$20 and an eight hour day instead of twelve. The telegraph operators of the Moscow-Windau Road have also walked out, necessitating a suspension of train service. At Voronezh, the telegraph operators and employees of the Southwestern road and 3,000 men employed in the railroad work shops have struck for an increase of wages and shorter hours.

WATSON DID NOT KILL HIS WIFE

New London, Missouri, Feb. 18.—The jury in the case of Dr. T. Jones Watson of Denver, charged with killing his wife, today returned a verdict of "not guilty."

Mrs. Watson was killed in a runaway accident while riding with her husband who was picked up unconscious near a bridge over a small stream. The prosecution charged that Mrs. Watson had been poisoned and that the condition under which the body was found had been arranged by Watson to bear out the runaway theory. Much expert medical testimony was introduced during the trial. Some medical men testified that they found traces of poison and others that there were no traces.

BAD STORM IN SOCORRO COUNTY

There was a bad storm in the vicinity of Socorro this week. Considerable suffering among the sheep resulted from the high winds and drifting snow. Several herds twenty-five miles south of Socorro were imperiled, but most of them escaped. The roads for some days were almost impassable.

BETTER FREIGHT RATES APPROVED

Washington, Feb. 18.—A committee of the St. Louis merchants' Exchange this afternoon discussed with the President the railroad freight rate question. Resolutions of the Exchange endorsing the President's attitude on the rate question were presented the President and a committee assured Mr. Roosevelt that the people of Missouri cordially support his demand for fair freight rates.

STALLED IN SNOW.

Jamestown, N. Y., Feb. 18.—The Chicago express which left Buffalo on the Erie yesterday afternoon was stalled in immense snow drifts near Eden Center. Four hundred men are engaged in an effort to open the road between Eden Center and this city.

There is a class of people in Santa Fe who trade only with the merchants who advertise their business in the home paper.

HIGHWAYMAN MAY WEAR DIAMONDS

New York, Feb. 18.—One of the most audacious of the many robberies in this city occurred in Bronx today when highwaymen attacked Mr. and Mrs. John W. Cornish in front of their home, snatched a \$5,000 diamond brooch from Mrs. Cornish's throat, fired bullets through the clothing of Cornish, when he remonstrated and then escaped after an exciting race with a policeman in which several shots were exchanged. The police have only a weaker description and there is little chance for the capture of the man. The robber had followed the couple home from a street car where the lavish display of the diamonds worn by the couple attracted much attention.

IRISH BARON A PRIVATE SOLDIER

New York, Feb. 18.—Arthur Reginald French, the eldest son and heir to title and estates of Baron de Freyne of Ireland, who arrived here January 16 and was reported yesterday as having mysteriously disappeared from his hotel is at Fort Slocum wearing the uniform of a United States private in the army. French came to America to visit his uncle, Captain William French, who owns a ranch in New Mexico. Having telegraphed his relative and received no reply, the young man enlisted. He said he did not regret his action and intended to continue in the service as he liked it.

SIX KILLED AND FOURTEEN HURT

Pottsville, Pennsylvania, Feb. 18.—Six men were killed and fourteen injured at the Lytle colliery today. The men were being lowered into a mine in a "gunboat" when the latter jumped the track and knocked out several props. This caused a fall of the top rock and six men in the "gunboat" were crushed to death. Ten of the injured were able to walk up the slope and are not in a serious condition. Four are hurt.

Have your stationery printed by the New Mexican Printing Company.